

**NOTES**  
**BROS OIG-ORPL CONFERENCE CALL**  
**JANUARY 12, 2004**

**I. BACKGROUND**

On January 5, 2004, Ms. Tiffine Johnson-Davis, Project Manager, Office of Inspector General (OIG) called the Regional Public Liaison (RPL), George Zachos to arrange for a mutually convenient conference call to discuss the concerns of an anonymous Consultant about the Bridgeport Rental and Oil Services (BROS) site (Site). The Office of the RPL (ORPL) (Marty and George) participated in a conference call on Monday, January 12 from 9:00AM -9:45AM with Tiffine and Mr. Kevin Gooden (note taker) of the OIG. For this conference call the OIG did not wish to meet with other EPA personnel. Tiffine was told that the RPM was available in case she wanted to talk to him.

To avoid duplication and to save time, the RPL asked Tiffine if she could please share with us the Consultant's concerns that were presented to the OIG. She stated that she was recently assigned the Case and was not sure what the caller had said to the National Ombudsman at HQ. However, she believes the Consultant's concern dealt with the placement of an additional well.

Tiffine then asked when the Consultant first called the RPL and to state the concern(s) he related to us. The RPL told her that we would summarize the ORPL's involvement in this Case, including the Consultant's concerns (Section III), allegations (Section III) and our actions to try to resolve the issues he raised.

Below is a summary of the material presented and comments/questions made by Ms. Tiffine-Davis. Please note that material was not always discussed in the chronological order in this Document.

**II. INTRODUCTION**

An environmental consultant called the RPL five times between June 26 and September 29 (June 26, July 18, August 19, Sept. 16, Sept. 29) to discuss his two concerns ( Section III ) and three allegations ( Section IV ) about the Site. The Consultant stated that he had three prior discussions with the Remedial Project Manager (RPM) over the last three years concerning the placement of two additional wells at the Site and was dissatisfied with the RPM's response to his request. As a result, he called the RPL to request assistance.

In order to let the OIG know of the Site Team's qualifications to manage this highly technical and complex Site, the RPL stated the qualifications of the technical members' s of the Site Team. The RPM Ron Naman is a hydrogeologist and a certified professional geologist (CPG) with 25 years of professional experience including 20 years in private industry. The Site hydrogeologist, Andy Crossland, has a MS with 12 years experience.

**III. CONCERNS**

The Consultant's two concerns were:

1. The possible redirection of the plume from the Southeast to the South and the need to place two additional monitoring wells (MW) on the South side of the Site to determine if the direction changed.
2. The most critical wells, on the South side of the Site, were not tested for Bis (2-chloroethyl) Ether [BCEE], a cancer causing agent that would be hard to treat to the anticipated low levels which do not exist at this time. At this time no drinking water standard exists for this chemical.

The Consultant's two concerns were then discussed.

The Consultant stated that he had three prior discussions with the RPM over the last three years concerning the placement of two additional wells, but the RPM did not agree with his theory on the possible redirection of the plume. During one of the conference calls with the ORPL, he stated that if the additional wells were not installed and sampled to determine if the plume had changed direction, he would have no choice but to go to the Office of Inspector General (OIG) and Town Officials and tell them of his concerns.

It is the Consultant's theory that an increase in the pumping from many new wells installed as the area has developed in recent years, has caused a change in the groundwater flow direction. The consultant believes that the plume is heading toward the Town of Swedesboro that uses a municipal water well, and if he is correct, the contaminated plume might eventually affect thousands of persons. He stated that a change in the plume direction could go undetected and the people in the affected area would not know if they were drinking contaminated water. In addition, if the wells are not being tested for BCEE and it is present, this chemical will have an impact on peoples' health and also greatly reduce real estate values. During one of his calls, the Consultant stated that he lives in Woolwich which is located northeast of Swedesboro.

He stressed that he hoped his theory is wrong, but he wanted it investigated. He believes that the minimal extra funds to install two additional wells would be worth the cost to alleviate any future concerns. In a subsequent discussion, the Consultant reduced his request to one additional well.

The RPL had many discussions and met numerous times with members of the Site Team (RPM, site hydrogeologist, Team Leader and Branch Chief) and reviewed technical information supplied by them. The Director and Deputy Directors were also briefed on the consultant's concerns and allegations.

After discussing the consultant's request with the Site Team, the RPL told the consultant that the Site Team does not agree that the plume is shifting. This decision is based on site specific data from an EPA Remedial Investigation (RI) before the present Responsible Parties (RPs) took over as well as data generated during development of the RPs Draft RI.

The RPM told the RPL that the EPA and the RPs had expended more than \$10 million studying the Site and preparing a Draft RI. There were numerous borings that were installed during this process to sample both soils and groundwater. The RPM and the Site hydrogeologist believe that the 31 monitoring wells installed at the Site are sufficient because of all the data that was generated. The RPM believes that this is probably one of the most sampled Superfund sites in the country.

The RPM mentioned that he has talked to two very technical persons over the past few years concerning this Site. He believes that this consultant is one of them. The RPM has provided documents to these consultants. He has also asked the consultants to meet with him at the NYC Offices to review the Site file and voluminous sampling data. To date, the consultants have declined to meet with him.

The RPL suggested to the Consultant that since the issues he was raising were very complex and to eliminate any possibility of miscommunication of his thoughts and theories, it would be best for him to meet with the RPM and/or the hydrogeologist to discuss his concerns. He was also told by the RPL that a review of his statements would be made more difficult if he refused to provide a phone number where he could be reached to discuss and clarify his statements in the future. The Consultant replied that because of his background he could and would not reveal his identity. He claimed to be an experienced consulting engineer who was concerned that he might be black listed if his identity were ever known. The RPL told him that arrangements could be made to have him meet with EPA staff without identifying himself. The Consultant was asked by the RPL to provide data to document his theory in writing to enable the RPL to provide the consultant's comments to the RPM. The caller refused to provide a contact number and did not respond favorably to the RPL's request for a written input and/or to meet with members of the Site Team.

Concerning his request for additional wells, the Site Team is willing to meet with the caller to discuss his concerns. It is the EPA's belief that decisions concerning a site should be based on scientific facts. Should the consultant provide substantive additional information, then the wells could be installed.

In order to attempt to alleviate the consultant's concerns, it was decided to sample the wells in the affected area to try to assess the level of BCEE in the area and to also measure the elevation of the groundwater (GW) in the MWs to evaluate if the plume was still going in a Southeast direction. This sampling which started out as five wells was increased to 14 when the sampling event was conducted in October 2003. **Preliminary results indicate that the GW is still flowing in a Southeast direction. Analytical results for the BCEE are due within two to four weeks.**

#### IV. ALLEGATIONS

The Consultant's three allegations were:

1. He alleged that delay in the release of sampling data which is part of the RI report prevented release of data to the public and bought time for the RPs to make the case that the BCEE will attenuate naturally.

The RPL reviewed with the RPM why the RI had not yet been released to the Public. He responded that the RI document was still considered Draft because the Region had numerous comments that needed to be addressed by the RPs before it could be released as a final document. The RPM stated that he did not want to release information in a draft version and that he would release it after all comments by the Agency were satisfactorily addressed. He anticipated that RI would be resubmitted to the EPA by the end of December 2003 for review. She was told that the ORPL was not sure whether the RI had been forwarded in December and that when it was received it would have to be reviewed for acceptability before the RPM would issue it as final.

→ Did we get RI document?

The RPM also stated that there was a two-year delay in the finalization of the RI associated with a removal of additional contamination from chemicals found on Site and to characterize and delineate a wetland area that was needed to define the boundary of the Site.

2. The consultant stated the RPs main consultant is a small firm and claims that in order for them to get the consulting contract for this Site, they provided a low remediation cost estimate to the RPs. In order to meet their remediation cost estimate, the consultant claims, they have ignored the fact that the plume may have shifted and had not appropriately investigated the BCEE. The caller then stated that he believes the RPs and the RPM are not aware of this alleged deception and believes the RPs would be willing to conduct the actions that he believes are necessary if they were aware of the actual conditions. The consultant offered no substantive evidence to support his allegations.

3. The Consultant theorized that the RPM might be agreeing with consulting engineering firm(s) to assist the federal PRPs [Department of Defense (DOD) and Department of Energy (DOE)]. The RPL pointed out to the Consultant that a review of any site would clearly illustrate that the EPA treats all the RPs equally. The RPL recounted the developments at another site where a quasi-Federal Agency was involved as an example to support his position. Amtrak, a federally funded organization, was being pursued to conduct a removal action at an asbestos-contaminated site and were being afforded no special privilege or concessions; even though, they were not the major PRP responsible for the site contamination. The Consultant did not comment and again offered no evidence to back his allegation.

#### V. STATUS OF CASE

The ORPL made every effort to convince the Consultant to meet with the RPM and/or the Hydrogeologists to discuss his concerns on this highly technical Site. At first the Consultant refused and complained that the lengthy telephone conversations to the RPL were a major distraction to his job and he could not afford to spend this amount of time on the phone. The ORPL told him that we totally understood and offered to travel, on our own time, to Southern New Jersey in the evening and/or weekends. To stress our sincerity, we told him that we would not ask for reimbursement of any kind for these trips.

Finally after several lengthy phone conversations, in August the consultant agreed to have a conference call only with EPA personnel, if the EPA provided him with two documents. The RPL mailed to him the available documents to him on September 29, 2003, the day of his last call to the RPL. During this round of discussions the Consultant also agreed to mail the RPL a packet of information that he had prepared in developing his model and his theories about the site contamination. The RPL thanked him for his cooperation and promised to forward his information to the RPM so that he could review it. The consultant was also encouraged to call the hydrogeologist to discuss another concern [Dense Non Aqueous Phase Liquid (DNAPL)]. **The information which the anonymous consultant agreed to forward to the RPL was never received.**

Ms. Johnson-Davis asked the ORPL what documents were sent to the Consultant.

1. **Updated Classification Exception /Well Restriction Area** ,Dated February 21, 2002.
2. Two (2) Figures # 12 & 23 from the **Site Characterization Report. Volumes 1& 2.**  
October 16, 2002. Figure 12 is the **Location of Homeowner Wells Sampled** and  
Figure 23. **Groundwater Elevation Map for the Base of the Upper Middle PRM**  
**Aquifer. November 6, 2000.**

After September 29, 2003, the RPL was never contacted again by the Consultant. **As previously stated, the available material that he had requested was mailed to him and the Consultant did not contact the hydrogeologist nor did he call to arrange for a previously agreed to conference call with the Site Team.**

The ORPL summarized its opinion on the current situation. It was pointed out that the EPA professionals working on the site strongly believe that their understanding and interpretation of the site conditions and groundwater flow based on local sampling on and around the site is correct. The consultant also appears convinced that his theories about the site condition and the groundwater flow are correct. The RPL and the Agency have not seen the specific data he has used or modeling that he performed despite requests that he provide this information. The EPA feels that its decisions must be made based on documented facts.

Even though, at this point the positions of both parties seem to have polarized it is still the ORPL's hope that if the discussion can be reinitiated, a mutually agreeable resolution could be reached. It was suggested by the ORPL that the OIG should make an effort to try to get the Consultant to renew discussions with the Region.

Ms. Johnson-Davis requested a meeting in Edison between the OIG and the SiteTeam be scheduled in February. In addition the OIG has also requested a site visit. The only unavailable date at this time is February 13, 2004. The RPL will be requesting inputs on availability from Site Team members in order to set a date for the meeting.